

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE AGUILAR VALENCIA, et  
al.,

Defendants.

CASE NO. CR15-0202-JCC

ORDER CONTINUING TRIAL  
DATE AND PRETRIAL MOTIONS  
DUE DATE

THIS MATTER having come before the Court on the joint motion filed by the United States and counsel for defendants Gustavo Garcia-Valencia, Efran Villalobos-Gonzalez, Guadalupe Farias-Savala, and Rafael Marin-Macias for an order continuing the trial date and motions deadline in the above-captioned matter (Dkt. No. 67), and the Court having considered the motion, the Notice of Joinder by defendant Enrique Aguilar Valencia (Dkt. No. 71), and the waivers of Speedy Trial filed by defendants Gustavo Garcia-Valencia (Dkt. No. 68), Enrique Aguilar Valencia (Dkt. No. 70), and Guadalupe Farias-Savala (Dkt. No. 72), the Court now finds and rules as follows:

**I. STIPULATION**

The parties to the motion have stipulated and agreed as follows:

1. On June 24, 2015, a Grand Jury sitting in this District returned a sealed Indictment charging seven defendants with a drug trafficking offense, namely, Conspiracy to Distribute

1 Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1) and 846. (Dkt. No. 1.) Arrest  
2 warrants were issued under seal.

3 2. On June 30, 2015, law enforcement executed search warrants relating to multiple target  
4 locations and vehicles and located and arrested four charged defendants, ENRIQUE AGUILAR  
5 VALENCIA, GUADALUPE FARIAS-SAVALA, GUSTAVO GARCIA-VALENCIA, and  
6 EFRAN VILLALOBOS-GONZALEZ, all of whom made their initial appearance in federal court  
7 the following morning. On July 1, 2015, investigators arrested a fifth defendant, RAFAEL  
8 MARIN-MACIAS, who made his initial appearance the following day. Trial was set for August  
9 17, 2015, with pretrial motions due on or about July 22, 2015.

10 3. With the exception of VILLALOBOS-GONZALEZ who was released on pretrial  
11 bond, all arrested defendants were ordered detained pending trial.

12 4. To date, two charged defendants, JUAN DIEGO VASQUEZ-CARDENAS and JESUS  
13 HERNANDEZ-HERNANDEZ, have not been arrested or arraigned on this matter.

14 5. The parties to the motion jointly request that trial in this matter be continued.  
15 Defendants and the United States, by and through counsel, stipulate to and request a continuance  
16 of the trial date until March 28, 2016, or thereafter as the court has availability. The parties  
17 likewise request that the pretrial motions deadline be extended to January 22, 2016, or otherwise  
18 no less than two months prior to the rescheduled trial date.

19 6. The charges in this case arise out of an extended investigation into an organization  
20 suspected of drug trafficking activities in and around Snohomish and Skagit County,  
21 Washington, and elsewhere. The investigation, conducted by the Drug Enforcement  
22 Administration (DEA) in conjunction with other state and federal law enforcement agencies, has  
23 included multiple arrests, searches, and seizures.

24 7. To date, the United States has produced to defense counsel a large amount of discovery  
25 in this matter, which includes several hundred pages of investigation reports from state and  
26 federal agencies; criminal history reports; search, seizure, and tracking warrants, along with the

1 applications, attachments, and returns; geolocation position data relating to electronic  
2 surveillance; evidence/seizure logs; and numerous surveillance images and videos. In addition,  
3 the discovery includes a large number of video and audio files relating to in-person and  
4 telephonic communications.

5 8. Additional discovery is forthcoming. For example, the investigation utilized multiple  
6 pole cameras. Given the quantity of data, the parties will arrange for a manner of production  
7 and/or inspection. Also, the numerous drug exhibits and firearms seized as part of this extensive  
8 investigation have been sent to the DEA and ATF laboratories for analysis. Reports will be  
9 produced to defense upon receipt. Given the quantity of evidence seized in this investigation, it  
10 may take several months to complete the analyses and prepare reports on the numerous relevant  
11 drug and non-drug exhibits.

12 9. Furthermore, a significant amount of physical evidence seized or obtained through this  
13 investigation is in the custody of law enforcement and will be made available for inspection by  
14 counsel at the DEA Bellingham Resident Office at a date and time agreed upon by the parties,  
15 tentatively scheduled for early August 2015.

16 10. Defense counsel require additional time to review the discovery and evidence, assess  
17 the case, and confer with their respective clients. All above-captioned defendants are native  
18 Spanish speakers. Thus, counsels' ability to communicate with their clients is further limited by  
19 the availability of an interpreter. In addition, with respect to the defendants in custody pending  
20 trial, counsels' ability to meet with their clients is further limited by the policies of the U.S.  
21 Bureau of Prisons and the SeaTac Federal Detention Center.

22 11. In support of their request, the parties further agree that this case involves serious  
23 charges and significant possible punishment, including mandatory minimum sentences under 21  
24 U.S.C. § 841(b)(1)(A) and (B). A trial in this case will involve numerous state and federal law  
25 enforcement witnesses from Washington and elsewhere, and expert testimony regarding various  
26 topics, such as the forensic analyses of physical evidence, to include firearms and telephones,

1 drug quantities and purity levels, among other things.

2 12. Given the charges, the complexity of the case, the nature and size of discovery, the  
3 foreseeable trial evidence, all counsels' availability, and the potential serious consequences of  
4 conviction, a continuance is warranted and necessary in this case. Undersigned defense counsel  
5 require additional time to assess the charges and the evidence, to review the discovery with the  
6 defendants, and to conduct follow-up investigation, if necessary, in order to effectively counsel  
7 the defendants regarding the pending matter. Also notable, the Court has entered a Protective  
8 Order, which may affect counsels' handling and dissemination of certain sensitive material.

9 13. Counsel for the parties, having conferred with one another and inquired regarding the  
10 court's availability, respectfully request a new trial date of March 28, 2016, or otherwise no less  
11 than two months prior to the rescheduled trial date.

12 14. Undersigned defense counsel have discussed with their respective clients the  
13 proposed continuance and their rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The  
14 defendants agree with this course and have executed or will execute and file a speedy trial waiver  
15 through April 2016, or otherwise a date as directed by the court.

16 15. The parties agree that (a) the failure to grant a continuance in this case will deny  
17 defense counsel complete discovery and the reasonable time necessary for effective preparation  
18 for trial and other pretrial proceedings, taking into account the exercise of due diligence; (b) the  
19 ends of justice served by granting this continuance outweigh the interest of the public and the  
20 defendant in a speedy trial; and, (c) that failure to grant a continuance in this proceeding will  
21 likely result in a miscarriage of justice; all within the meaning of 18 U.S.C. § 3161(h)(7).

## 22 II. CONCLUSION

23 For the above stated reasons, the parties to this motion have requested that the Court find  
24 that the ends of justice served by continuing the trial date outweigh the best interests of the  
25 public and the defendant in a speedy trial. The Court so finds.

26 The parties have further requested that the Court find, for the purpose of computing the

1 time limitations imposed by the Speedy Trial Act, that the period of delay from the date of the  
2 filing of this motion until the new trial date is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A)  
3 and (h)(7)(B)(i),(ii), and (iv). The Court so finds.

4 The parties have moved for a continuance until March 28, 2016 or thereafter. (Dkt. No.  
5 67.) The Court GRANTS the motion and hereby ORDERS that the trial is CONTINUED until  
6 March 28, 2016. The deadline to file pretrial motions is hereby reset to January 22, 2016.

7  
8 DATED this 4th day of August 2015.  
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15 John C. Coughenour  
16 UNITED STATES DISTRICT JUDGE  
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